
OLR Bill Analysis

HB 5896

AN ACT REQUIRING STATE AGENCIES TO CITE SPECIFIC STATUTORY AND REGULATORY AUTHORITY FOR THEIR ACTIONS.

SUMMARY:

This bill requires an agency making certain decisions in Uniform Administrative Procedure Act (UAPA) proceedings to specify the statute or regulation authorizing its action.

The bill also requires an agency to disclose, upon the request of an affected party, the statute, regulation, or general permit that authorizes its action impacting a business activity or the use of private property.

EFFECTIVE DATE: October 1, 2013

DECISIONS UNDER UAPA

The bill requires state agencies acting pursuant to UAPA to cite the specific statutes or regulations:

1. upon which the agency bases its findings in a proposed final decision;
2. upon which the agency bases its decision in a contested case; and
3. that authorize license revocation, suspension, annulment, or withdrawal, when giving notice to a licensee prior to instituting a proceeding.

DECISIONS AFFECTING BUSINESS ACTIVITIES OR USE OF PRIVATE PROPERTY

The bill requires state agencies taking specific types of regulatory actions to cite the statute, regulation, or general permit that authorizes their action, if requested by the person or business affected by the

action. The agencies must do this when:

1. acting on an individual's or business entity's application, petition, or request for a permit, license, approval, or other permission to conduct a business activity or use private property;
2. restricting or imposing conditions on a business activity or use of private property; or
3. bringing an enforcement action, issuing a cease and desist order, or otherwise requesting a stop or change in a business activity or use of private property.

The bill does not specify a deadline by which agencies must respond to such a request.

The bill defines "state agency" as any department, board, council, commission, institution, or state government executive branch agency. "Business entities" are corporations, associations, partnerships, limited liability companies, and other business organizations of a similar form.

BACKGROUND

Related Bill

SB 1006, reported favorably by the Commerce Committee, also requires agencies, upon request, to cite authority for regulatory actions involving business activities or use of private property.

COMMITTEE ACTION

Government Administration and Elections Committee

Joint Favorable

Yea 14 Nay 0 (04/05/2013)